

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

MOTION TO CONTINUE TRIAL

Comes now Defendant Elliott Atwell, by and through Counsel, and moves this Honorable Court for a continuance of his jury trial which is currently scheduled for October 16, 2023.

1. Alleged victims and witnesses are spread out in several states in the Midwest and Northeast, and there is a mental health component that may warrant exploration. In addition, there is visual evidence that can only be reviewed at the United States Attorneys' Office.

2. Both Mr. Atwell and the government agree that a continuance of the trial date to July 15-26, 2024, is a sufficient time frame to allow the parties to negotiate in good faith and, if no agreement can be reached, to prepare for a jury trial.

3. The Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), recognizes that it is proper to grant a continuance on the motion of counsel in order to afford counsel the reasonable time necessary for effective preparation where the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant

in a speedy trial. The ends of justice would be so served by granting a continuance in this case.

WHEREFORE, Mr. Atwell prays that the Court continue the trial of this case to July 15, 2024.

Respectfully submitted,

s/ Donald R. Pender

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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record.

s/ Donald R. Pender
Assistant Federal Public Defender